

## **NOTICE AND AGENDA**

### **SUNNYVALE CITY COUNCIL TUESDAY, APRIL 6, 2010 COUNCIL CHAMBERS and WEST CONFERENCE ROOM CITY HALL - 456 W. OLIVE AVE. SUNNYVALE, CALIFORNIA**

#### **5:30 P.M. SPECIAL COUNCIL MEETING (Closed Session)**

##### City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
  - a. Closed Session pursuant to Government Code Section 54956.9(a)  
Conference with Legal Counsel - Existing Litigation.  
David Falleta vs. City of Sunnyvale and York Insurance Services Group, Inc., WCAB No.: ADJ368444
  - b. Closed Session pursuant to Government Code Section 54956.8  
Conference with Real Property Negotiator  
Property: Sunnyvale Town Center Project  
Negotiating Parties: Sunnyvale Redevelopment Agency (Agency Director Gary Luebbers); Wachovia Bank  
Under Negotiation: Terms for Completion of Foreclosure Proceedings
  - c. Closed Session pursuant to Government Code Section 54956.8  
Conference with Real Property Negotiator  
Property: 715 San Conrado Terrace #6, Sunnyvale, CA.  
Negotiating Parties: City of Sunnyvale; Dave Lewis  
Under Negotiation: Terms of payment
4. Adjourn Special Meeting

#### **7 P.M. COUNCIL MEETING**

*Pursuant to Council Policy, City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain. Information provided herein is subject to change from date of printing of the agenda to the date of the meeting.*

*Any agenda related writings or documents distributed to members of the City of Sunnyvale City Council regarding any open session item on this agenda will be made available for public inspection in the Office of the City Clerk located at 603 All America Way, Sunnyvale, CA. during normal business hours and in the Council Chamber on the evening of the Council Meeting, pursuant to Government Code §54957.5.*

**CALL TO ORDER** - Call to order in the Council Chambers

**SALUTE TO THE FLAG**

**ROLL CALL**

**CLOSED SESSION REPORTS FOR APRIL 6, 2010**

Closed Session pursuant to Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation

Closed Sessions pursuant to Government Code Section 54956.8 - Conferences with Real Property Negotiator

**SPECIAL ORDER OF THE DAY** – Annual Fire Safety Poster Contest Awards Presentation

**SPECIAL ORDER OF THE DAY** – Arbor Day

**PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

**CONSENT CALENDAR**

- 1.A. MOTION Approval of Council Meeting Minutes of March 23, 2010
- 1.B. MOTION Approval of Information/Action Items – Council Directions to Staff

**Fiscal Items**

- 1.C. MOTION List of Claims and Bills Approved for Payment by the City Manager – List  
RTC 10-089 No. 497 and 498

Staff Recommendation: Review the attached lists of bills.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.D. MOTION Increase Construction Contingency for Murphy Avenue Utility and  
RTC 10-096 Streetscape Project (TR-08/02-09)

Staff Recommendation: Approve an increase in the construction contract contingency with Joseph J. Albanese as follows: in the amount of \$60,000, from the Murphy and Evelyn Sewer Infrastructure Project, to maintain sufficient construction contingency for completion of the project without delay; and in the amount of \$185,000, from the Murphy Avenue Streetscape project (826810), to extend streetscape improvements into the intersection at Murphy Avenue and Washington.

Staff Contact: Mark Rogge, (408) 730-7415

- 1.E. MOTION Approval of Budget Modification No. 26 to Appropriate Department of  
RTC 10-069 Homeland Security Training Grant Funds in the Amount of \$8,258

Staff Recommendation: Approve Budget Modification No. 26 to appropriate the State Homeland Security Grant Program funds into a special project to offset costs incurred.

Staff Contact: Lieutenant Camron Bailey, (408) 730-7133

- 1.F. RESOLUTION Authorize the Issuance of Revenue Bonds to Finance Water and  
RTC 10-097 Wastewater Capital Projects and Approve a Financing Team

Staff Recommendation: Authorize staff to proceed with the issuance of Water Revenue Bonds and Wastewater Revenue Bonds, approve the financing team, and authorize the city manager to enter into contracts with Jones Hall for bond counsel and disclosure services in substantially the same form as the attached.

Staff Contact: Tim Kirby, (408) 730-2712

### **Contracts**

- 1.G. MOTION Amendment of Outside Counsel Agreement for Fair Oaks Affordable  
RTC 10-086 Housing Matters

Staff Recommendation: Approve a Third Amendment to increase the contract with law firm of Stein & Lubin, LLP in an amount not to exceed a total of \$155,000.

Staff Contact: David Kahn, City Attorney, (408) 730-7464

### **Contracts: Sunnyvale Works!**

- 1.H. MOTION Award of Sunnyvale Works! Bid No. F0901-72, Milling and Patching 2011  
RTC 10-092 Phase 2, and Approval of Budget Modification No. 28

Staff Recommendation: Award a contract in an amount not to exceed \$208,994 to ABSL Construction for the subject project and authorize the city manager to execute the contract when all necessary conditions have been met; approve a 10% project contingency in the amount of \$20,899; and approve Budget Modification No. 28 to provide funding for the project.

Staff Contact: Pete Gonda, (408) 730-7418

- 1.I. MOTION Modify an Existing Contract and Approval of New Contract to Provide  
RTC 10-091 Recreational Gymnastics Instruction (F0903-85)

Staff Recommendation: Authorize modification of an existing contract to California Sports Center in an amount not to exceed \$34,000, award a new contract for a two year period and authorize the city manager to extend the contract for one additional one year period, provided services and pricing are acceptable to the City.

Staff Contact: Pete Gonda, (408) 730-7418

### **Other Items**

- 1.J. MOTION Countywide AB 939 Fee and Household Hazardous Waste Agreements  
RTC 10-074 for FY 2010/2011

Staff Recommendation: Authorize the city manager to execute both the Agency Agreement for Countywide AB 939 Fee and the Agency Agreement for Countywide Household Hazardous Waste Collection Program (with an augmentation amount of \$239,700) and continue to delegate to the city manager the authority to approve an increase of up to 20% in the City's augmentation amount.

Staff Contact: Karen Gissibl, (408) 730-7262

- 1.K. ORDINANCE Adoption of Ordinance No. 2917-10 Adding Chapter 3.70 (Sunnyvale  
2917-10 Municipal Utilities Revenue Bond Law) to Title 3 (Revenue And  
Financing) of the Sunnyvale Municipal Code Relating to the Financing of  
Public Utility Enterprises

Staff Recommendation: Approve second reading of Ordinance No. 2917-10

Staff Contact: David Kahn, City Attorney (408) 730-7464

- 1.L. MOTION Board and Commission Annual Work Plans  
RTC 10-095

Staff Recommendation: Approve the 2010 board and commission master work plans as submitted.

Staff Contact: Lisa Natusch, (408) 730-7595

- 1.M. MOTION Approval of NOVA Local Workforce Investment Area Five-Year Strategic  
RTC 10-087 Local Plan Modification for Program Year 2009-10

Staff Recommendation: Approve the NOVA Local Workforce Investment Area Five-Year Strategic Local Plan Modification for Program Year 2009-10.

Staff Contact: Kris Stadelman, (408) 730-7233

### **STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments.*

### **PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

### **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION 2009-0756: Appeal by the Applicant of the Decision by the Planning  
RTC 10-070 Commission to Deny the Use Permit for a Child Care Center for up to 24  
Children at 260 S. Mary Avenue

Staff Recommendation: Grant the appeal and approve the Use Permit for 18 children for a period of one year.

Staff Contact: Ryan Kuchenig, (408) 730-7431

3. RESOLUTION      Approval of Downtown Sunnyvale Business Improvement District Annual  
RTC 10-073      Report for FY 2009/2010 and Adoption of the Resolution of Intention to  
Reauthorize the Downtown Sunnyvale Business Improvement District for  
FY 2010/2011

Staff Recommendation: Alternative 1: Approve the Business Improvement District Annual Report for FY 2009/2010 and adopt the Resolution of Intention and schedule a public hearing for May 11, 2010 to reauthorize the Business Improvement District for FY 2010/2011 for Downtown Sunnyvale.

Staff Contact: Connie Verceles, (408) 730-7256

4. MOTION              City Positions Regarding Fremont Union School District Measure B  
RTC 10-085

Staff Recommendation: As this measure does not relate to service delivery, or otherwise contribute to the City's operational success, staff makes no recommendation.

Staff Contact: Yvette Blackford, (408) 730-7536

5. COUNCIL              Consider Revisions to Council Policy 7.3.10 Regarding Selection of  
DISCUSSION      Mayor and Vice Mayor (Continued from March 23, 2010)

Recommendation: Consider revisions to Council Policy 7.3.10 regarding Selection of Mayor and Vice Mayor.

Contact: Mayor Hamilton/Vice Mayor Moylan, (408) 730-7473

## **COUNCILMEMBER REPORTS ON ACTIVITIES FROM INTERGOVERNMENTAL COMMITTEE ASSIGNMENTS**

### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Bicycle and Pedestrian Advisory Commission Meeting of March 18, 2010
- RTC 10-094 Opportunity for Council to Appeal Decisions of the Planning Commission of March 22, 2010 and the Administrative Hearing of March 24, 2010

## **ADJOURNMENT TO THE FINANCING AUTHORITY**

---

### **FINANCING AUTHORITY**

### **ROLL CALL**

### **PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

### **CONSENT CALENDAR**

- |         |           |   |
|---------|-----------|---|
| FA 1.A. | MOTION    | Approval of Draft Minutes of Regular Meeting of March 9, 2010   |
| FA 1.B. | MOTION    | Resolution to Establish an Account with the State of California Local Agency Investment Fund (LAIF) for the Deposit of the 2001 Water/Wastewater and 2007 Solid Waste Revenue Bond Debt Service Reserve Funds |
|         | FA 10-002 |   |

Staff Recommendation: Alternative 1: Adopt a resolution authorizing the establishment of an account with the State of California for the investment of the 2001 Water/Wastewater and the 2007 Solid Waste Revenue Bonds debt service reserve funds.

Staff Contact: Therese Balbo, (408) 730-7604

### **STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Agency meetings. Staff will not necessarily respond to all public comments.*

### **PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the Agency Chair) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Agency members. If you wish to address the Agency, please complete a speaker card and give it to the agency clerk. Individuals are limited to one appearance during this section.*

### **ADJOURNMENT**

#### **Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

## **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

### **Public Announcement – Beginning of Council Meeting**

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis (only announce one time).

### **Public Hearing – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by the Council. Individuals are limited to one appearance during this section.

### **Planning a presentation for a City Council/Planning Commission meeting?**

To assist you in utilizing the technology available in the Council Chamber, the publication "*How to Make Your Council Chamber Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chamber prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

### **Planning to present materials to Council?**

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

### **SCHEDULED COUNCIL MEETINGS**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
4/27/2010	Council Meeting	7 p.m.	Council Chambers

### **OTHER SCHEDULED MEETINGS**

4/5/2010	Board of Library Trustees	7 p.m.	Library Program Rm A
4/12/2010	Heritage Preservation Commission (Special Meeting)	7 p.m.	West Conference Rm
4/12/2010	Planning Commission Study Session	7 p.m.	West Conference Rm
4/14/2010	Planning Commission Public Hearing	7 p.m.	Council Chamber
4/14/2010	Administrative Hearing	2 p.m.	West Conference Rm
4/21/2010	Arts Commission	7 p.m.	Council Chambers
4/15/2010	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conference Rm
4/26/2010	Planning Commission Study Session	7 p.m.	West Conference Rm
4/26/2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
4/28/2010	Administrative Hearing	2 p.m.	West Conference Rm
4/28/2010	Housing & Human Services Commission	7 p.m.	West Conference Rm
5/3/2010	Board of Library Trustees	7 p.m.	Library Program Rm A
05/05/2010	Heritage Preservation Commission	7 p.m.	West Conference Rm
05/10/2010	Planning Commission Study Session	7 p.m.	West Conference Rm
05/10/2010	Planning Commission Public Hearing	8 p.m.	Council Chamber
05/12/2010	Administrative Hearing	2 p.m.	West Conference Rm
5/12/2010	Joint Arts and Parks and Recreation Commissions Study Session	6 p.m.	West Conference Rm
5/12/2010	Joint Arts and Parks and Recreation Commissions	7 p.m.	Council Chambers
5/19/2010	Arts Commission	7 p.m.	Council Chambers
6/9/2010	Parks and Recreation Commission	7 p.m.	Council Chambers
6/16/2010	Arts Commission	7 p.m.	Council Chambers
7/14/2010	Parks and Recreation Commission	7 p.m.	Council Chambers
7/21/2010	Arts Commission	7 p.m.	Council Chambers

### **CHANNEL 15 – KSUN**

For a complete schedule of KSUN-15 broadcasts, visit [KSUN.inSunnyvale.com](http://KSUN.inSunnyvale.com)

4/6/2010	City Council Meeting – Live	7 p.m.
4/7/2010	City Council Meeting – Replay of April 6, 2010	7 p.m.
4/11/2010	City Council Meeting – Replay of April 6, 2010	4 p.m.